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Patent  
Attorney's Docket No. 032796-101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

SEP 26 2002

In re Patent Application of )

Lynn A. DOUCETTE-STAMM et al. )

Application No.: 10/092,911 )

Filed: March 7, 2002 )

For: NUCLEIC ACID AND AMINO )  
ACID SEQUENCES RELATING TO )  
*STAPHYLOCOCCUS EPIDERMIDIS* )  
FOR DIAGNOSTICS AND )  
THERAPEUTICS )

Group Art Unit: 1653

Examiner: Unassigned

ATTENTION: BOX SEQUENCE

TECH CENTER 1600/2900

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OCT 09 2002

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DECLARATION PURSUANT TO  
37 C.F.R. §1.821-1.825

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Jay F. Williams, declare as follows:

Transmitted herewith is the "Sequence Listing" in the form of 3 (three) copies of a CD-ROM, as allowed in the changes to 37 C.F.R. §§ 1.821-1.825, as published in the Federal Register on September 8, 2000. The three copies of the CD-ROM are intended to serve as:

- (1) a compact disc copy of the Sequence Listing for the above-identified patent application as required by 37 C.F.R. § 1.821(c) ("Copy 1"), the disc containing the ASCII file named "GTC 0201A-8-14-02", stored on August 14, 2002, and of 9,484 kilobytes in size, in ASCII text format;

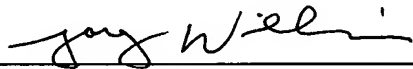
- (2) a duplicate copy of the compact disc as required by 37 C.F.R. § 1.52(e)(4) ("Copy 2"), the disc containing the ASCII file named "GTC 0201A-8-14-02", stored on August 14, 2002, and of 9,484 kilobytes in size, in ASCII text format; and
- (3) a compact disc copy in computer-readable form as required by 37 C.F.R. § 1.821(e), the disc containing the ASCII file named "GTC 0201A-8-14-02", stored on August 14, 2002, and of 9,484 kilobytes in size, in ASCII text format.
- 4. That the copy of the computer readable form, submitted in accordance with 37 C.F.R. § 1.825(d), is identical to that originally filed in parent application, U.S. Patent Application Serial No. 09/134,001 with the exception that the copy submitted herein for the current application includes two additional sequences that correspond to the sequences of the primers on page 72 of the Specification of both the current application and the parent application. The computer readable form of the parent application did not include the sequences for these primers because the parent application inadvertently did not include sequences identifiers for these sequences.

As required by 37 C.F.R. § 1.821(f), Applicants' representative hereby states that the contents of the "Sequence Listing" on all three CD-ROMs are identical and in computer readable form. As required by 37 C.F.R. § 1.821(g), Applicants' representative states that the submission is believed to include no prohibited new matter.

Application Serial No.: 10/092,911  
Attorney's Docket No.: 032796-101

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

August 22, 2002  
Date

  
Jay F. Williams  
Registration No. 48,036



Does Not Comply  
Corrected Diskette Needed

OIPE

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/10/092,411

DATE: 03/28/2002  
TIME: 16:16:38

Input Set : D:\Gtc007.pto  
Output Set: N:\CRF3\03282002\J092411.raw

4 <110> APPLICANT: Lynn Doucette-Stamm et al  
6 <120> TITLE OF INVENTION: NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO STAPHYLOCOCCUS  
7 EPIDERMIDIS FOR DIAGNOSTICS AND THERAPEUTICS  
9 <130> FILE REFERENCE: GTC-007  
C--> 13 <140> CURRENT APPLICATION NUMBER: US/10/092,411  
C--> 13 <141> CURRENT FILING DATE: 2002-03-07  
13 <160> NUMBER OF SEQ ID NOS: 5674

#### ERRORED SEQUENCES

46559 <210> SEQ ID NO: 2211  
46560 <211> LENGTH: 690  
46561 <212> TYPE: DNA  
46562 <213> ORGANISM: Staphylococcus epidermidis  
46564 <220> FEATURE:  
46565 <221> NAME/KEY: unsure  
46566 <222> LOCATION: (498), (499), (500), (501), (502), (503), (504), (505), (506), (507), (508), (509), (510), (511), (512), (513), (514), (515), (516), (517), (518), (519)  
46567 <223> OTHER INFORMATION: Identity of nucleotide sequences at the above locations are unknown.

46569 <400> SEQUENCE: 2211  
46570 gtcgcaacaa tatcttcagc aagaatatgt octaaacttt catctaaatt aacattgata 60  
46571 ttcttcactt caacctgttg ttctcataata cgtttaattg cttctttaac tgatattggc 120  
46572 gttcttttct ctatagacat acactcatct ccaaaaaata ttaattttca tgatataactt 180  
46573 actcctaaca ggagggaata aatgactcat ttcacacata ttaataaaca aggtaatgct 240  
46574 aaaatgggtg atgtttctaa taaggaaatt acaaaacgtg tagcagaagc acactcaagt 300  
46575 ataattgtta atgaaaaaat ttatagacaa attactcaaa atactaatag taaaggaaat 360  
46576 gtacttaata ctgcgcaaat tgctggtatt atggcagcta aaaacacttc tacaatcatt 420  
46577 cctatgtgtc atccattacc acttacaggg atagatatat ccttcaaatt ggattcaaatt 480  
E--> 46578 aatgatgatt catatcgtt ~~xxxx xxxxxxxxxx xxxxxxxxxx~~ ctacaacagg taaaactggt 540  
46579 gttgaaatgg aagcattgac tgctgcttca gttacagcac ttacaatcta tgatattgaca 600  
46580 aaagctatag acaaaggcat gataattgga gaaacgtact tagaatctaa atctggtggt 660  
46581 aaatctggcg acttccacag aaaaaattga 690

*nucleotides cannot  
be represented by X.*

70538 <210> SEQ ID NO: 3159  
70539 <211> LENGTH: 10182  
70540 <212> TYPE: PRT  
70541 <213> ORGANISM: Staphylococcus epidermidis  
70543 <400> SEQUENCE: 3159  
70544 Met Lys Ser Lys Pro Lys Leu Asn Gly Arg Asn Ile Cys Ser Phe Leu  
70545 1 5 10 15  
70546 Leu Ser Lys Cys Met Ser Tyr Ser Leu Ser Lys Leu Ser Thr Leu Lys  
70547 20 25 30

also from Seq. ID No. 2

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/092,411

DATE: 03/28/2002

TIME: 16:16:50

Input Set : D:\Gtc007.pto

Output Set: N:\CRF3\03282002\J092411.raw

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71775      9845      9850      9855
71776 Ile Lys Gly Leu Thr Ser Asn Glu Lys Thr Gln Phe Asp Lys Gln Leu
71777      9860      9865      9870
71778 Thr Ala Leu Gln Lys Glu Phe Leu Glu Lys Val Glu His Ala His Asn
71779      9875      9880      9885
71780 Leu Val Glu Leu Asn Gln Leu Gln Gln Glu Phe Asn Asn Arg Tyr Lys
71781      9890      9895      9900
71782 His Ile Leu Asn Gln Ala His Leu Leu Gly Glu Lys His Ile Ala Glu
71783 9905      9910      9915      9920
71784 His Lys Leu Gly Tyr Val Val Val Asn Lys Thr Gln Gln Ile Leu Asn
71785      9925      9930      9935
71786 Asn Gln Ser Ala Ser Tyr Phe Ile Lys Gln Trp Ala Leu Asp Arg Ile
71787      9940      9945      9950
71788 Lys Gln Ile Gln Leu Glu Thr Met Asn Ser Ile Arg Gly Ala His Thr
71789      9955      9960      9965
71790 Val Gln Asp Val His Lys Ala Leu Leu Gln Gly Ile Glu Gln Ile Leu
71791      9970      9975      9980
71792 Lys Val Asn Val Ser Ile Ile Asn Gln Ser Phe Asn Asp Ser Leu His
E--> 71793 9985      9990      9995      1000 ← missing a digit
71794 Asn Phe Asn Tyr Leu His Ser Lys Phe Asp Ala Arg Leu Arg Glu Lys
E--> 71795      1000      1001      1001
71796 Asp Val Ala Asn His Ile Val Gln Thr Glu Thr Phe Lys Glu Val Leu
E--> 71797      1002      1002      1003
71798 Lys Gly Thr Gly Val Glu Pro Gly Lys Ile Asn Lys Glu Thr Gln Gln
E--> 71799      1003      1004      1004
71800 Pro Lys Leu His Lys Asn Asp Asn Asp Ser Leu Phe Lys His Leu Val
E--> 71801      1005      1005      1006
71802 Asp Asn Phe Gly Lys Thr Val Gly Val Ile Thr Leu Thr Gly Leu Leu
E--> 71803 1006      1007      1007      1008
71804 Ser Ser Phe Trp Leu Val Leu Ala Lys Arg Arg Lys Lys Glu Glu Glu
E--> 71805      1008      1009      1009
71806 Glu Lys Gln Ser Ile Lys Asn His His Lys Asp Ile Arg Leu Ser Asp
E--> 71807      1010      1010      1011
71808 Thr Asp Lys Ile Asp Pro Ile Val Ile Thr Lys Arg Lys Ile Asp Lys
E--> 71809      1011      1012      1012
71810 Glu Glu Gln Ile Gln Asn Asp Asp Lys His Ser Ile Pro Val Ala Lys
E--> 71811      1013      1013      1014
71812 His Lys Lys Ser Lys Glu Lys Gln Leu Ser Glu Glu Asp Ile His Ser
E--> 71813 1014      1015      1015      1016
71814 Ile Pro Val Val Lys Arg Lys Gln Asn Ser Asp Asn Gln Arg Tyr Lys
E--> 71815      1016      1017      1017
71816 Thr Glu Glu Ser Tyr Phe
E--> 71817      1018

```

Please make  
proper correction  
to amino acid number

VERIFICATION SUMMARY  
PATENT APPLICATION: US/10/092,411DATE: 03/28/2002  
TIME: 16:17:12Input Set : D:\Gtc007.pto  
Output Set: N:\CRF3\03282002\J092411.raw

L:13 M:270 C: Current Application Number differs, Replaced Current Application No  
L:13 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
L:67 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4  
L:68 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4  
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L:21760 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1035  
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VERIFICATION SUMMARY

PATENT APPLICATION: US/10/092,411

DATE: 03/28/2002

TIME: 16:17:12

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Output Set: N:\CRF3\03282002\J092411.raw

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L:25975 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1232  
L:26886 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1277  
L:46578 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:22  
L:71793 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:3159  
M:332 Repeated in SeqNo=3159